

Crimes Committed in the Presence of a Minor

Senate Bill 337/House Bill 306

Reducing violence against women and children is one of the O'Malley/Brown Administration's top priorities. Breaking the cycle of domestic violence in Maryland is an important element in accomplishing this goal. Senate Bill 337/House Bill 306: *Crime Committed in the Presence of a Minor-Penalties* is another bill that aims to further protect all victims of domestic violence. By holding perpetrators of violence accountable, this bill provides relief to children and families that are exposed to violence.

What is Senate Bill 337/House Bill 306?

The bill increases the penalties for crimes of violence that also meet the definition of a domestically related crime, which are committed in the presence of a minor of any age who is under the care of the defendant or victim.

Why is this law important?

- It holds offenders accountable and deters future violence against women and children (homicides against women and children have been reduced by 31% since 2006).
- There are 17,000 – 19,000 domestic violence crime reports in Maryland each year.
- Research shows that violence witnessed by a minor can significantly impact a child's development, behavior, and temperament.

23 states have laws pertaining to child witnesses of domestic violence, including the following:¹

- Domestic violence in presence of child is 'aggravating circumstance' for sentencing in 8 other states (AK, AZ, CA, HI, MS, MT, OH, WA).
- Domestic violence in presence of child requires more severe penalties in 5 other states (AR, FL, ID, LA, OR).
- Domestic violence in presence of child is separate crime that may be charged separately/in addition to the act in 5 other states (DE, GA, NC, OK, UT).

Child witnesses exhibit both signs of aggression and signs of fearfulness and inhibition. In a carefully controlled study of 167 children in Seattle, Washington, the authors found that children exposed to domestic violence were 1.6 times more likely than other children to score in the borderline area of disturbed to the more clinically disturbed range for externalizing behaviors, such as aggressiveness.⁴

Studies carried out over the last 25 years consistently agree that children who witness violence are at a higher risk for a wide range of behavioral, emotional, and intellectual problems than are children who have not been exposed to violence.²

More than 80% of battered mothers believed that their children overheard the abuse, and more than 75% reported that their children saw evidence of the abuse.³

Adolescent witnesses of domestic violence "are more likely to have a fatalistic view of the future resulting in an increased rate of risk taking and antisocial behavior, such as school truancy, early sexual activity, substance abuse, and delinquency."⁵



¹ Casey Family Programs, State Child Welfare Policy Database, available at <http://www.childwelfarepolicy.org/maps/single?id=155>.

² Huth-Bocks, A., Levendosky, A., and Semel, M. The direct and indirect effects of domestic violence on young children's intellectual functioning. *Journal of Family Violence* vol. 16 no. (3) (2001). P. 269-290. Ind. Code Ann. § 31-17-2-8(7) (2004).

³ Edleston, J.L., Mbilinyi, L.F., Beeman, S.K., and Hagemester, A.K. How children are involved in domestic violence: Results from a four-city telephone survey. *Journal of Interpersonal Violence* vol. 18 no. (1) (2003). P. 18-32.

⁴ Cahn, N. Child witnessing of domestic violence: Handbook of children, culture, and violence. SAGE Publications. (2006).

⁵ Stiles, M. Witnessing domestic violence: The effect on children. *American Family Physician* vol. 66 (2002). P. 2052-2058.